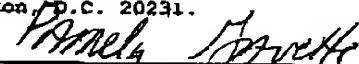


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PP
Patent Docket P0889-1C1

12/18/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Simmons et al. Serial No.: 09/829,251 Filed: April 9, 2001 For: METHODS AND COMPOSITIONS FOR SECRETION OF HETEROLOGOUS POLYPEPTIDES	Group Art Unit: 1636 Examiner: William Sandals CERTIFICATE OF FACSIMILE TRANSMISSION <u>December 16, 2002</u> : Date of Transmission I hereby certify that this correspondence, consisting of Response to Restriction Requirement, is being facsimile transmitted to the Assistant Commissioner of Patents, Washington, D.C. 20231.  Pamela Gavette
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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed June 17, 2002.

REMARKSElection/Restriction

The Examiner has required restriction, under 35 USC §121, to one of the following inventions:

I. Claim 1, drawn to a method of optimizing secretion of a heterologous peptide with variants in the translation initiation region; and

II. Claims 1-4, drawn to a method of optimizing secretion of a heterologous peptide with variants in the translation initiation region and having variants in the nucleic acids encoding the signal sequence.

The Examiner states that the inventions of Groups I and II are related as mutually exclusive species in an intermediate-final product relationship. The intermediate product of Group I is deemed to be useful as a method of optimizing secretion of a heterologous polypeptide with variations in the translation initiation region, this region being a unique and distinct region that does not require the signal secretion sequence of Group II. The inventions are deemed